THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 17282 of 2005

Dated : 05.08.2005

Between:

Chinna Mallaiah S/o. Mallaiah
Akloor Gram Panchayat, Akloor Village, Velpur Mandal,
Nizamabad District,

..... PETITIONER

AND

The Commissioner, Panchayat Raj Department, At Hyderabad and another.

.... RESPONDENTS

ORDER:

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This writ petition is filed seeking a declaration that the action of the first respondent in not passing any orders on the stay application filed by the petitioner in the appeal preferred by him against the order, dated 06.07.2005 passed by the second respondent, is arbitrary and illegal.

The case of the petitioner is that he was elected as Sarpanch of Akloor Gram Panchayat, Velpur Mandal, Nizamabad District. While so, the second respondent has passed the order dated 06.07.2005 removing the petitioner from the post of Sarpanch on the ground of some alleged financial irregularities and directing him to handover the charge to Upa Sarpanch of Akloor Gram Panchayat by 07.08.2005. Aggrieved by the same, the petitioner has preferred an appeal before the first respondent along with an application to stay the operation of the order, dated 06.07.2005. However, the first respondent has not yet passed any order even on his stay application. Hence this petition.

Learned counsel for the petitioner contended that the order of removal is passed without conducting any enquiry as contemplated under law and the first respondent

ought to have entertained the application filed by the petitioner for stay of the operation of the order dated 06.07.2005.

On the other hand, learned Government Pleader for Panchayat Raj and Rural Development contended that after conducting due enquiry the second respondent passed the impugned order dated 06.07.2005 and therefore, there is no need to stay the operation of the impugned order.

Having regard to the facts and circumstances of the case and particularly keeping in view the fact that the appeal and the stay petition filed by the petitioner are pending before the first respondent, I deem it appropriate to dispose of the writ petition, at the admission stage, directing the first respondent to dispose of the appeal preferred by the petitioner against the order dated 06.07.2005 within a period of 12 weeks from the date of receipt of a copy of this order. As the second respondent, under the impugned order dated 06.07.2005, directed the petitioner to handover the charge to the Upa Sarpanch, Akloor Gram panchayat by 07.08.2005, the first respondent is further directed to dispose of the stay petition filed by the petitioner in the said appeal on or before 06.08.2005.

With the above directions, the writ petition is disposed of. No costs.

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05.08.2005

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